

Amendment

In the Claims:

Please amend claim 37 as follows:

C¹ out D
37. (Amended) A chimeric protein comprising a leukotoxin polypeptide capable of activating helper T-cells, coupled to a selected antigen, wherein said leukotoxin polypeptide is an RTX leukotoxin from a bacterium selected from the group consisting of Pasteurella haemolytica, E. coli and Actinobacillus pleuropneumoniae.

Please add the following new claims:

C²
-44. (New) The chimeric protein of claim 37, wherein the leukotoxin polypeptide is a *Pasteurella haemolytica* leukotoxin polypeptide.

45. (New) The chimeric protein of claim 40, wherein the leukotoxin polypeptide is a *Pasteurella haemolytica* leukotoxin polypeptide.--

Remarks

Claims 37, 40 and 41 were examined in the Office Action dated December 15, 1998 and rejected based on (1) 35 USC §112, first paragraph; (2) 35 USC §102(e) (claim 37); and (3) 35 USC §103 (claim 37). Additionally, the claims were rejected under the judicially created doctrine of obviousness-type double patenting. Applicants note that claims 40 and 41 were not rejected over the art.

These rejections are believed to be overcome in part by the above amendments and are otherwise traversed for reasons to be discussed below.

Overview of the Above Amendments and New Claims:

Claim 37 has been amended to recite that the leukotoxin polypeptide is one which is "capable of activating helper T-cells." Further, the leukotoxin polypeptide is